

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

TYLER DESOUZA,

Plaintiff,

v.

Case No. 6:22-cv-1047-RBD-LHP

AEROCARE HOLDINGS LLC,

Defendant.

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**ORDER**

In this putative class action, Plaintiff sued Defendant for violations of the Telephone Consumer Protection Act and the Florida Telephone Solicitation Act. (Doc. 1.) The parties have agreed to settle and Plaintiff now moves for preliminary approval of the settlement agreement and certification of the settlement class. (Doc. 56.) On referral, U.S. Magistrate Judge Leslie Hoffman Price recommends granting Plaintiff's motion, preliminarily certifying the proposed class, preliminarily approving the settlement agreement, approving the proposed class notice, adopting the proposed schedule, appointing a class representative and class counsel, and setting a final approval hearing. (Doc. 57 ("R&R").) Neither party objected, so the Court examines the R&R for clear error only. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The R&R (Doc. 57) is **ADOPTED, CONFIRMED**, and made a part of this Order in its entirety.
2. Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class (Doc. 56) is **GRANTED**.
3. The following class for purposes of the settlement is **PRELIMINARILY CERTIFIED**:


Since November 23, 2018, all persons to whose telephone number the AdaptHealth Parties initiated, or had initiated on their behalf, more than one text message in a 12-month period for the purpose of inviting the recipient to order CPAP supplies, after the recipient had replied "stop" or its equivalent to one of the AdaptHealth Parties' text messages.

4. Plaintiff Tyler DeSouza is **APPOINTED** as class representative and Jeremy M. Glapion, Esq. and Bradford R. Sohn, Esq. are **APPOINTED** as class counsel.
5. The parties' settlement (Doc. 56-1) is **PRELIMINARILY APPROVED**.
6. The parties' proposed notice (Doc. 56-1, pp. 59-61, 64, 66-71) is **APPROVED**.
7. The parties' proposed schedule (Doc. 56, p. 30) is **ADOPTED**.
8. A final fairness approval hearing is set for **Thursday, January 25**,

2024, at 10:00a.m. The final approval hearing may be postponed, adjourned, or continued by order of the Court without further notice to the Settlement Class.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on August 23, 2023.



  
ROY B. DALTON, JR.  
United States District Judge